

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ASHENAFI GERRE ABERHA,

Case No. 3:20-cv-00524-LRH-WGC

Petitioner,

v.

ORDER

WILLIAM GITTERE, *et al.*,

Respondents.

Petitioner Ashenafi Gerre Aberha, a Nevada state prisoner, has submitted a *pro se* Petition for Writ of Habeas Corpus (ECF No. 1-1) pursuant to 28 U.S.C. § 2254. This matter is before the Court on Aberha's Application to Proceed *In Forma Pauperis* ("IFP") (ECF No. 1). For the reasons discussed below, the Court denies his IFP application and orders him to pay the filing fee.

Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. Indigent prisoners who do not have money to pay the \$5.00 filing fee may request IFP status to waive the fee. A federal district court may authorize a person to begin an action without prepaying fees and costs if the person submits an IFP application on the approved form along with the appropriate supporting documentation. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2.

Although Aberha submitted the required form, the supporting documents show he is able to pay the \$5.00 filing fee. Thus, he does not qualify for a fee waiver. The Court therefore denies Aberha's IFP application and he will have 45 days to pay the \$5.00 filing fee.


IT IS THEREFORE ORDERED:

1. Aberha's Application to Proceed *In Forma Pauperis* (ECF No. 1) is DENIED.
2. Aberha must pay the \$5.00 fee by **November 30, 2020**.
3. The Clerk of Court is instructed to MAIL Aberha *two* copies of this order. Aberha must make the necessary arrangements to have a copy of this order attached to the check for the filing fee.

1 4. The initial screening of Aberha's Petition for Writ of Habeas Corpus (ECF No.1-1)
2 under the Rules Governing Section 2254 Cases in the United States District Courts and
3 consideration of the Motion for Appointment of Counsel (ECF No. 1-2) are deferred to
4 until such time as he has fully complied with this order.

5 5. Aberha's failure to timely comply with this order will result in the dismissal of this
6 action without further advance notice.

7 DATED this 15th day of October, 2020.

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9 LARRY R. HICKS
10 UNITED STATES DISTRICT JUDGE
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